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10/577,667	05/01/2006	Michiaki Omura	W1878.0232	6962

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DICKSTEIN SHAPIRO LLP
1177 AVENUE OF THE AMERICAS (6TH AVENUE)
NEW YORK, NY 10036-2714

EXAMINER	
DONABED, NINOS J	

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2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,667	OMURA ET AL.	
	Examiner	Art Unit	
	NINOS DONABED	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/17/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. This action responsive to Amendment filed on 12/17/2007. Claims 3, 7, 9, 13, 15, 19, and 21 are amended. Claims 1-24 are pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-8, 10-14, 16-20, 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyagi et al. **(United States Patent Application Publication No. 2002/0047916)**, herein referred to as Miyagi.

Regarding **Claim 1**,

Miyagi discloses a network system comprising: **(See Figure 1)**

an information terminal connectable to a network; **(See Figure 1, Abstract, and Paragraph [0024], Miyagi discloses a portable information terminal connected to a network)**

a distribution server for distributing video and/or audio data to said information terminal through said network while said information terminal is being connected to said network; and **(See Figure 1, Abstract, and Paragraphs [0019] – [0027], Miyagi discloses a distribution server for distributing video)**

a storage server for storing a message of video and/or audio contents when said message is sent from said information terminal to said network in response to the data distributed from said distribution server while said information terminal is being connected to said network. **(See Paragraph [0035] and Claims 7, 8, 10 and 11, Miyagi discloses a storage server for storing video (See Paragraph [0025])**

Regarding **Claim 2**,

Miyagi discloses the network system according to claim 1, further comprising:

an authentication server for authenticating said information terminal when said information terminal requests a start of distribution of the data, using at least one of a time at which said information terminal requests the start of distribution of the data and an identification number of said information terminal; and **(See Figure 5 and Paragraph [0044], Miyagi discloses an authentication server)**

a call processing server for performing a call processing process for connecting said information terminal to said network if said authentication server authenticates said information terminal successfully. **(See Figure 5 and Paragraphs [0044] – [0046], Miyagi discloses that the distribution server checks the authentication server based on and id and password transmitted to the distribution server from a personal computer. When a successful result is returned, the computer is connect to the network)**

Regarding **Claim 4**,

Miyagi discloses the network system according to claim 1, further comprising:

a gateway device for sending said message from said information terminal through said network to said storage server after the gateway device has detected a signal representing a start of transmission of said message sent from said information terminal until the gateway device detects a signal representing an end of transmission of said message sent from said information terminal; (**See Figure 1 and Paragraphs [0022] – [0024], Miyagi discloses a wireless gateway)**

wherein said storage server has receiving means for receiving said message sent from said gateway device through said network, and storing means for storing said message received by said receiving means. **(See Paragraph [0035] and Claims 7, 8, 10 and 11, Miyagi discloses a storage server for storing images and video (See Paragraph [0025])**

Regarding **Claim 5**,

Miyagi discloses the network system according to claim 4, wherein said storage server also has transmitting means for sending said message stored by said storing means to said network. **(See Figure 2, Paragraphs [0034]-[0036], and Claims 8 and 11, Miyagi discloses that the image display apparatus downloads image data from the storage server)**

Regarding **Claim 6**,

Miyagi discloses the network system according to claim 4, wherein said storage server also has display means for displaying said message stored by said storing means. **(See Paragraph [0042], and Claims 8 and 11, Miyagi discloses that the image data is displayed on a display section)**

Regarding **Claim 7**,

Miyagi discloses a network system comprising:

The first information terminal and a second information terminal which are connectable to a network; **(See Figure 1, Abstract, and Paragraph [0022]-[0025], Miyagi discloses two cellular telephones connected to a network)**

a distribution server for distributing video and/or audio data to said second information terminal through said network while said second information terminal which is designated as a distribution destination by said first information terminal is being connected to said network; and **(See Figure 1, Abstract, and Paragraphs [0019] – [0027], Miyagi discloses a distribution server for distributing video)**

a storage server for storing a message of video and/or audio contents when said message is sent from said second information terminal to said network in response to the data distributed from said distribution server while said second information terminal is being connected to said network. **(See Paragraph [0035] and Claims 7, 8, 10 and 11, Miyagi discloses a storage server for storing video (See Paragraph [0025])**

Regarding **Claim 8**,

Miyagi discloses the network system according to claim 7, further comprising:

an authentication server for authenticating said first information terminal when said first information terminal requests a start of distribution of the data to said second information terminal, using at least one of a time at which said first information terminal requests the start of distribution of the data and an identification number of said first information terminal; and **(See Figure 5 and Paragraph [0044], Miyagi discloses an authentication server)**

a call processing server for performing a call processing process for connecting said second information terminal to said network if said authentication server authenticates said first information terminal successfully. **(See Figure 5 and Paragraphs [0044] – [0046], Miyagi discloses that the distribution server checks the authentication server based on and id and password transmitted to the distribution server from a personal computer. When a successful result is returned, the computer is connect to the network)**

Regarding **Claim 10**,

Miyagi discloses the network system according to claim 7, further comprising:

a gateway device for sending said message from said second information terminal through said network to said storage server after the gateway device has detected a signal representing a start of transmission of said message sent from said second information terminal until the gateway device detects a signal representing an

end of transmission of said message sent from said second information terminal; (**See Figure 1 and Paragraphs [0022] – [0024], Miyagi discloses a wireless gateway)**

wherein said storage server has receiving means for receiving said message sent from said gateway device through said network, and storing means for storing said message received by said receiving means. **(See Paragraph [0035] and Claims 7, 8, 10 and 11, Miyagi discloses a storage server for storing images and video (See Paragraph [0025])**

Regarding **Claim 11**,

Miyagi discloses the network system according to claim 10, wherein said storage server also has transmitting means for sending said message stored by said storing means to said network. **(See Figure 2, Paragraphs [0034]-[0036], and Claims 8 and 11, Miyagi discloses that the image display apparatus downloads image data from the storage server)**

Regarding **Claim 12**,

Miyagi discloses the network system according to claim 10, wherein said storage server also has display means for displaying said message stored by said storing means. **(See Paragraph [0042], and Claims 8 and 11, Miyagi discloses that the image data is displayed on a display section)**

Regarding **Claim 13**,

Miyagi discloses a method of providing a data distribution service, comprising the steps of:

distributing video and/or audio data from a distribution server to an information terminal via a downlink through a network based on a request from said information terminal for starting distributing said video and/or audio data; **(See Figure 1, Abstract, and Paragraphs [0019] – [0027], Miyagi discloses a distribution server for distributing video)**

sending a message of video and/audio contents from said information terminal via an uplink through said network to a storage server in response to said data distributed from said distribution server; and storing said message sent from said information terminal in said storage server. **(See Paragraph [0035] and Claims 7, 8, 10 and 11, Miyagi discloses a storage server for storing video (See Paragraph [0025])**

Regarding **Claim 14**,

Miyagi discloses the method according to claim 13, further comprising the steps of:

authenticating said information terminal with an authentication server when said information terminal requests a start of distribution of the data, using at least one of a time at which said information terminal requests the start of distribution of the data and an identification number of said information terminal; and **(See Figure 5 and Paragraph [0044], Miyagi discloses an authentication server)**

performing a call processing process with a call processing server for connecting said information terminal to said network if said authentication server authenticates said information terminal successfully; wherein in said step of distributing the data to said information terminal, said distribution server distributes the data through said network to said information terminal while said information terminal is being connected to said network by said call processing server. **(See Figure 5 and Paragraphs [0044] – [0046], Miyagi discloses that the distribution server checks the authentication server based on and id and password transmitted to the distribution server from a personal computer. When a successful result is returned, the computer is connect to the network)**

Regarding **Claim 16**,

Miyagi discloses the method according to claim 13, wherein in said step of sending said message to said storage server, said information terminal sends a signal representing a start of transmission of said message, sends said message, and sends a signal representing an end of transmission of said message, said method further comprising the step of:

sending, from a gateway device, said message sent from said information terminal through said network to said storage server after the gateway device has detected the signal representing the start of transmission of said message sent from said information terminal until the gateway device detects the signal representing the

end of transmission of said message sent from said information terminal; (**See Figure 1 and Paragraphs [0022] – [0024], Miyagi discloses a wireless gateway)**

wherein in said step of storing said message, said storage server stores said message sent from said gateway device through said network. **(See Paragraph [0035] and Claims 7, 8, 10 and 11, Miyagi discloses a storage server for storing images and video (See Paragraph [0025])**

Regarding **Claim 17**,

Miyagi discloses the method according to claim 16, further comprising the step of: sending said message stored by said storage server through said network to external display means. **(See Figure 2, Paragraphs [0034]-[0036], and Claims 8 and 11, Miyagi discloses that the image display apparatus downloads image data from the storage server)**

Regarding **Claim 18**,

Miyagi discloses the method according to claim 16, further comprising the step of: displaying said message stored by said storage server on display means in said storage server. **(See Paragraph [0042], and Claims 8 and 11, Miyagi discloses that the image data is displayed on a display section)**

Regarding **Claim 19**,

Miyagi discloses a method of providing a data distribution service, comprising the steps of:

distributing video and/or audio data from a distribution server to a second information terminal, which is designated as a distribution destination by a first information terminal, via a downlink through a network based on a request from said first information terminal for starting distributing said video and/or audio data; **(See Figure 1, Abstract, and Paragraphs [0019] – [0027], Miyagi discloses a distribution server for distributing video)**

sending a message of video and/or audio contents from said second information terminal via an uplink through said network to a storage server in response to said data distributed from said distribution server; and storing said message sent from said second information terminal in said storage server. **(See Paragraph [0035] and Claims 7, 8, 10 and 11, Miyagi discloses a storage server for storing video (See Paragraph [0025])**

Regarding **Claim 20**,

Miyagi discloses the method according to claim 19, further comprising the steps of: authenticating said first information terminal with an authentication server when said first information terminal requests a start of distribution of the data to said second information terminal, using at least one of a time at which said first information terminal requests the start of distribution of the data and an identification number of said first

information terminal; and **(See Figure 5 and Paragraph [0044], Miyagi discloses an authentication server)**

performing a call processing process with a call processing server for connecting said second information terminal to said network if said authentication server authenticates said first information terminal successfully; wherein in said step of distributing the data to said second information terminal, said distribution server distributes the data through said network to said second information terminal while said second information terminal is being connected to said network by said call processing server. **(See Figure 5 and Paragraphs [0044] – [0046], Miyagi discloses that the distribution server checks the authentication server based on and id and password transmitted to the distribution server from a personal computer. When a successful result is returned, the computer is connect to the network)**

Regarding **Claim 22**,

Miyagi discloses the method according to claim 19,

wherein in said step of sending said message to said storage server, said second information terminal sends a signal representing a start of transmission of said message, sends said message, and sends a signal representing an end of transmission of said message, said method further comprising the step of:

sending, from a gateway device, said message sent from said second information terminal through said network to said storage server after the gateway device has detected the signal representing the start of transmission of said message

sent from said second information terminal until the gateway device detects the signal representing the end of transmission of said message sent from said second information terminal; **(See Figure 1 and Paragraphs [0022] – [0024], Miyagi discloses a wireless gateway)**

wherein in said step of storing said message, said storage server stores said message sent from said gateway device through said network. **(See Paragraph [0035] and Claims 7, 8, 10 and 11, Miyagi discloses a storage server for storing images and video (See Paragraph [0025])**

Regarding **Claim 23**,

Miyagi discloses the method according to claim 22, further comprising the step of: sending said message stored by said storage server through said network to external display means. **(See Figure 2, Paragraphs [0034]-[0036], and Claims 8 and 11, Miyagi discloses that the image display apparatus downloads image data from the storage server)**

Regarding **Claim 24**,

Miyagi discloses the method according to claim 22, further comprising the step of: displaying said message stored by said storage server on display means in said storage server. **(See Paragraph [0042], and Claims 8 and 11, Miyagi discloses that the image data is displayed on a display section)**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3, 9, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagi in view of Jones **(United States Patent Application Publication No. 2001/0032335)**.

Regarding **Claim 3**,

Miyagi teaches the network system according to claim 1.

Miyagi further teaches image capturing and/or sound collecting means installed in a predetermined location for capturing images and/or collecting sounds of said predetermined location to produce said data; **(See Abstract and Paragraph [0025], Miyagi discloses that a digital image recording apparatus captures a desired still image or moving video image)**

Miyagi does not explicitly teach wherein said distribution server distributes said data produced by said image capturing and/or sound collecting means through said network to said information terminal in **real time**.

Jones teaches wherein said distribution server distributes said data produced by said image capturing and/or sound collecting means through said network to said

information terminal in **real time**. **(See Figure 1 and Paragraphs [0125] – [0126], Jones teaches that users can actively share images in real-time)**

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Miyagi with Jones because real time communication will transmit data as fast as possible between users.

Regarding **Claim 9**,

Miyagi teaches the network system according to claim 7.

Miyagi further teaches image capturing and/or sound collecting means installed in a predetermined location for capturing images and/or collecting sounds of said predetermined location to produce said data; **(See Abstract and Paragraph [0025], Miyagi discloses that a digital image recording apparatus captures a desired still image or moving video image)**

Miyagi does not explicitly teach wherein said distribution server distributes said data produced by said image capturing and/or sound collecting means through said network to said second information terminal in **real time**.

Jones teaches wherein said distribution server distributes said data produced by said image capturing and/or sound collecting means through said network to said second information terminal in **real time**. **(See Figure 1 and Paragraphs [0125] – [0126], Jones teaches that users can actively share images in real-time)**

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Miyagi with Jones because real time communication will transmit data as fast as possible between users.

Regarding **Claim 15**,

Miyagi teaches the method according to claim 13,

Miyagi further teaches the step of: capturing images and/or collecting sounds of a predetermined location with image capturing and/or sound collecting means to produce said data; **(See Abstract and Paragraph [0025], Miyagi teaches that a digital image recording apparatus captures a desired still image or moving video image)**

Miyagi does not explicitly teach the step wherein in said step of distributing the data to said second information terminal, said distribution server distributes said data produced by said image capturing and/or sound collecting means through said network to said second information terminal in **real time**.

Jones teaches distributing the data to said second information terminal, said distribution server distributes said data produced by said image capturing and/or sound collecting means through said network to said second information terminal in **real time**. **(See Figure 1 and Paragraphs [0125] – [0126], Jones teaches that users can actively share images in real-time)**

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Miyagi with Jones because real time communication will transmit data as fast as possible between users.

Regarding **Claim 21**,

Miyagi teaches the method according to claim 19,

Miyagi further teaches the step of: capturing images and/or collecting sounds of a predetermined location with image capturing and/or sound collecting means to produce said data; **(See Abstract and Paragraph [0025], Miyagi teaches that a digital image recording apparatus captures a desired still image or moving video image)**

Miyagi does not explicitly teach the step wherein in said step of distributing the data to said second information terminal, said distribution server distributes said data produced by said image capturing and/or sound collecting means through said network to said second information terminal in **real time**.

Jones teaches distributing the data to said second information terminal, said distribution server distributes said data produced by said image capturing and/or sound collecting means through said network to said second information terminal in **real time**. **(See Figure 1 and Paragraphs [0125] – [0126], Jones teaches that users can actively share images in real-time)**

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Miyagi with Jones because real time communication will transmit data as fast as possible between users.

Response to Arguments

6. Applicant's arguments filed 12/17/2007 have been fully considered but they are not persuasive.

In the remarks, Applicant argues that Miyagi does not disclose " a storage server for storing a message of video and/or audio contents when said message is sent from

said information terminal to said network in response to the data distributed from said distribution server while said information terminal is being connected to said network."

In response, Miyagi discloses in paragraphs [0025] – [0029] that video data is transferred to the image distribution server where it is stored. Furthermore Claims 7, 8, 10 and 11 disclose an image (video) storage server which can be used as an add-on to the disclosed system. In figure 4 and paragraphs [0041] - [0042], Miyagi discloses an information terminal connecting through a network to the image distribution server in order to download video data.

In the remarks, Applicant argues that Miyagi does not disclose "sending a message of video and/audio contents from said information terminal via an uplink through said network to a storage server in response to said data distributed from said distribution server; and storing said message sent from said information terminal in said storage server."

In response, Miyagi discloses, in figures 1 and 4 paragraphs [0025] – [0029] and [0041] – [0042], sending video data from a information terminal to an image distribution server (uplink) for storage. Furthermore Claims 7, 8, 10 and 11 disclose an image (video) storage server which can be used as an add-on to the disclosed system for storage of video data. Subsequently, video data is downloaded by information terminal after being notified by server (downlink).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this Office Action should be **faxed** to (571) 272-8300 or **mailed** to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Hand-delivered responses should be brought to
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NINOS DONABED whose telephone number is (571)270-3526. The examiner can normally be reached on Monday-Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ninos Donabed
2/4/2008

WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100